

ASSEMBLY BILL

No. 443

Introduced by Assembly Member Lowenthal

February 19, 2013

An act to amend Section 12419.10 of the Government Code, and Sections 4764 and 4774 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 443, as introduced, Lowenthal. Vehicles: delinquent parking and traffic violations.

(1) Existing law requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery. Existing law requires a request for an offset to be submitted within 3 years of the date the penalty was incurred, and prohibits a local agency, once an offset request is made, from accruing additional specified charges. Existing law requires the payment of an offset request to be conditioned as constituting full and final payment of that offset.

This bill would delete the requirement that an offset request is required to be submitted within 3 years of the date the penalty was incurred. This bill would delete the prohibition imposed upon a local agency with regard to the accrual of additional charges and the condition for the payment of an offset request.

(2) Existing law generally prohibits the Department of Motor Vehicles (DMV) from registering a vehicle if the registered owner or lessee has failed to pay outstanding parking or toll evasion penalties unless the registered owner or lessee pays the penalties at the time of the application for renewal. Under existing law, the DMV is not required to continue to attempt collection of outstanding parking or toll evasion penalties if a vehicle is transferred or not renewed for 2 renewal periods and the DMV has notified each local jurisdiction that is owed penalties of that fact.

This bill would not excuse the DMV from continuing to attempt collection of outstanding parking or toll evasion penalties if the vehicle was sold to a relative, as specified, or to a revocable trust, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12419.10 of the Government Code is
2 amended to read:

3 12419.10. (a) ~~(1)~~—The Controller shall, to the extent feasible,
4 offset any amount overdue and unpaid for a fine, penalty,
5 assessment, bail, vehicle parking penalty, or court-ordered
6 reimbursement for court-related services, from a person or entity,
7 against any amount owing the person or entity by a state agency
8 on a claim for a refund from the Franchise Tax Board under the
9 Personal Income Tax Law or the Bank and Corporation Tax Law,
10 from winnings in the California State Lottery, or a cash payment
11 of a claim for unclaimed property held by the state. Standards and
12 procedures for submission of requests for offsets shall be as
13 prescribed by the Controller. Whenever insufficient funds are
14 available to satisfy an offset request, the Controller, after first
15 applying the amounts available to any amount due a state agency,
16 may allocate the balance among any other requests for offset.

17 ~~(2) Any request for an offset for a vehicle parking penalty shall~~
18 ~~be submitted within three years of the date the penalty was~~
19 ~~incurred. This three year maximum term for refund offsets for~~
20 ~~parking tickets applies to requests submitted to the Controller on~~
21 ~~or after January 1, 2004.~~

22 ~~(b) Once an offset request for a vehicle parking penalty is made,~~
23 ~~a local agency may not accrue additional interest charges, collection~~

1 charges, penalties, or other charges on or after the date that the
2 offset request is made. Payment of an offset request for a vehicle
3 parking penalty shall be made on the condition that it constitutes
4 full and final payment of that offset.

5 (e)

6 (b) The Controller shall deduct and retain from any amount
7 offset in favor of a city or county an amount sufficient to reimburse
8 the Controller, the Franchise Tax Board, the California State
9 Lottery, and the Department of Motor Vehicles for their
10 administrative costs of processing the offset payment.

11 (d)

12 (c) Notwithstanding Chapter 3.5 (commencing with Section
13 6250) of Division 7 of Title 1, or any other provision of law, the
14 social security number of any person obtained pursuant to Section
15 4150, 4150.2, or 12800 of the Vehicle Code is not a public record
16 and shall only be provided by the Department of Motor Vehicles
17 to an authorized agency for the sole purpose of making an offset
18 pursuant to this section for any unpaid vehicle parking penalty or
19 any unpaid fine, penalty, assessment, or bail of which the
20 Department of Motor Vehicles has been notified pursuant to
21 subdivision (a) of Section 40509 of the Vehicle Code or Section
22 1803 of the Vehicle Code, responding to information requests from
23 the Franchise Tax Board for the purpose of tax administration, and
24 responding to requests for information from an agency, operating
25 pursuant to and carrying out the provisions of, Part A (~~Aid to~~
26 ~~Families with Dependent Children~~) (*Block Grants to States for*
27 *Temporary Assistance for Needy Families*), or Part D (Child
28 Support and Establishment of Paternity) of Subchapter IV of
29 Chapter 7 of Title 42 of the United States Code. As used in this
30 section, "authorized agency" means the Controller, the Franchise
31 Tax Board, or the California Lottery Commission.

32 SEC. 2. Section 4764 of the Vehicle Code is amended to read:

33 4764. ~~Whenever~~ *If a vehicle is transferred, except*
34 *if the transfer is one described in Section 6285 of the Revenue and*
35 *Taxation Code*, or not renewed for two renewal periods and the
36 former registered owner or lessee of the vehicle owes a parking
37 penalty for a notice of delinquent parking violation filed with the
38 department pursuant to Section 40220, the department shall notify
39 each jurisdiction of that fact and is not required thereafter to

1 attempt collection of the undeposited parking penalty and
2 administrative fees.

3 SEC. 3. Section 4774 of the Vehicle Code is amended to read:

4 4774. ~~Whenever~~ *If a vehicle is transferred, except*
5 *if the transfer is one described in Section 6285 of the Revenue and*
6 *Taxation Code*, or not renewed for two renewal periods and the
7 former registered owner or lessee of the vehicle owes a toll evasion
8 penalty for a notice of delinquent toll evasion violation filed with
9 the department pursuant to Section 40267, the department shall
10 notify each jurisdiction of that fact and is not required thereafter
11 to attempt collection of the undeposited toll evasion penalty and
12 administrative fees.